

REMARKS

This paper is responsive to a Final Office action dated February 22, 2007. Claims 1-5, 7-17, 19-29, 31, and 32 were examined. The preamble of claim 22 has been amended to be consistent with claim 23.

Allowed Claims

Applicants appreciate the indication that claims 1-5, 8-11, 19-25, and 31 are allowed.

Claim Rejections under 35 U.S.C. § 102

Claims 7, 12-17, 26-29, and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0120961 to Cooper (hereinafter, "Cooper"). Applicants respectfully traverse the rejections for the followings reasons.

Claim 7 recites "*generating performance state data if none of the performance state data is associated with the processor being utilized in the computer system and a near match does not exist.*" The Office action states with regard to claim 7 that "Cooper further discloses copying default performance state table data into local memory when no match is found [Figure 4 and paragraph 0045]." While applicant agrees that Cooper teaches copying default performance state table data when no match is found, applicant respectfully submits that that is not the same as generating performance state data. Note that claim 7 requires generating performance state data *if none of the performance state data is associated with the processor*. In Cooper either the performance state data matches, or default performance data is used.

In the Response to Arguments, the Examiner correctly points out that Cooper discloses copying default performance state table data when no match is found and that the default performance state table must have been generated at some point. In contrast, claim 7 recites generating the data, which is described in the specification at, e.g., paragraphs 1042 and 1043, *if none of the performance state data is associated with the processor*, i.e., if no match is found. Cooper does not teach generating performance state data if no match is found since the data is already generated.

Applicant further notes that claim 7 requires that a near match does not exist for performance state data to be generated. Since Cooper does not check for near matches, applicant respectfully submits that Cooper does not teach all the limitations of claim 7.

Claim 12 recites *generating performance state data if none of the performance state data is associated with the processor being utilized in the computer system*. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data if no match is found. In Cooper, either the performance state data matches, or default data that is already generated is used. Thus, claim 12 and all claims dependent thereon distinguish over Cooper.

Claim 13 recites generating performance state data after determining that a near match does not exist. Cooper fails to teach determining that a near match does not exist. Accordingly, claim 13 is patentable over Cooper for this additional reason.

Claim 14 recites that generating the performance state data further comprises generating performance state information including a plurality of frequency values and a fixed voltage value. The Office action points to paragraph 0038 of Cooper. However, that portion of Cooper, which describes the performance tables 320<sub>1</sub> to 320<sub>p</sub>, fails to teach generating performance state data with a fixed voltage value for the plurality of frequencies as required by claim 14. Accordingly, claim 14 is patentable over Cooper for this additional reason.

Claim 16 recites that the plurality of frequency values (generated) are spread approximately evenly between a lower limit and the upper limit. The Office action relies on paragraph [0038] of Cooper. However, that portion of Cooper, which describes the performance tables 320<sub>1</sub> to 320<sub>p</sub>, fails to teach frequency values (generated) are spread approximately evenly between a lower limit and the upper limit. In fact, the default table 330, which the Examiner relies on as corresponding to the generated performance state data, teaches in paragraph [0039] only a maximum performance state and a minimum performance state. Accordingly, applicants submit that claim 16 is patentable over Cooper for this additional reason.

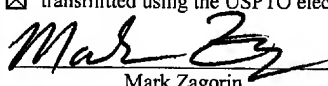
With respect to claim 17, as pointed out above with respect to claim 7, Cooper fails to teach generating performance state data after no match is found to exist. In Cooper either the performance state data matches, or default data, which was already generated, is used. Thus,

claim 17 distinguishes over Cooper. Claims 19-21, which depend on claim 17, are allowable for at least that reason.

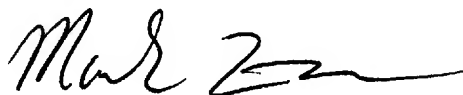
Claim 26 recites a computer program product operable to generate performance data after no match is found to exist. As pointed out above with respect to claims 7 and 17, Cooper fails to teach generating performance state data after no match is found to exist. In Cooper either the performance state data matches, or the default data is used. Thus, claim 26 distinguishes over Cooper. Claims 27-29, which depend on claim 26, are allowable for at least that reason.

Claim 32 recites means for generating performance state data if none of the performance state data is associated with the processor being utilized in the computer system. As pointed out above with respect to claim 7, Cooper fails to teach generating performance state data if none of the data matches. In Cooper either the performance state data matches, or the default data is used. No performance state data is generated if there is no match. Thus, claim 32 distinguishes over Cooper.

In summary, claims 1-17, 19-29, 31, and 32 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

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Respectfully submitted,



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